



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

The forms which constitute the appendix to the book are a selection of the most noted, so-called, personal property trusts, in which all the funds and property of an enterprise are transferred to a trustee for the benefit of *cestuis* who receive certificates which entitle them to a participation in the profits of the enterprise without making them partners. All these deeds of trust are founded upon judicial precedents and the cases from which they are selected are cited so that the appendix should prove of material assistance to a person desiring to organize a group of this kind.

The principal value of the work, however, lies in its value as a guide for future consideration of the subject and it is to be hoped that the original classification of this author will, for the sake of clarification of this branch of the law, be adhered to in the future.

Arnold J. Brock.

THE DIPLOMATIC PROTECTION OF CITIZENS ABROAD OR THE LAW OF INTERNATIONAL CLAIMS. By EDWIN M. BORCHARD, LL.B., Ph.D. New York: THE BANKS LAW PUBLISHING Co. 1915. pp. xxxvii, 988.

Dr. Edwin M. Borchard, in producing this book, has made an extremely valuable contribution to the science and practice of international law. As his preface states, the advancement of science and invention has drawn the various parts of the world into closer proximity, with the result that vast amounts of capital are invested by citizens and subjects of the various countries within the territorial jurisdiction of others. Where a central authority is lacking which is capable of enforcing the standard of conduct, founded upon the common consent of nations, by which a state is to be guided in its treatment of aliens, international law authorizes the state to which a citizen owes his allegiance to protect and vindicate his rights.

The diplomatic protection, however, of the citizen abroad is not the result of a legal right vested in the one who has left the territorial jurisdiction of his country. On the contrary, the right is in the government, and the exercise of it for the protection of its citizens lies in the sound discretion of the governmental body.

Three distinct legal relationships therefore arise for examination; first, that existing between the state and the citizen abroad; second, that between the alien and the state of residence; and, third, that between the two states concerned in a particular case where their mutual rights, liabilities and obligations are to be determined. What steps on the part of the alien whose rights are invaded are considered prerequisite to the effort of his government to protect those rights; the nature, exercise and effect of protection; the status and nature of persons, entities and objects which are entitled to diplomatic protection; and the conditions, qualifications and limitations upon the prosecution and recovery of international claims, are fully and ably considered.

Dr. Borchard states that "the practice of the United States in matters of diplomatic protection may well be regarded as a close approach to a just standard of international practice, for the United States has been and is both an exploiting and an exploited country." The views and principles it has expounded in the exercise of the right to protect American citizens abroad have therefore many times partaken of the nature of a compromise between what might have been right and what was certainly expedient.

The author has done his work in a most comprehensive manner. This is shown by both context and notes. He has supplied in an appendix, general and national bibliographies on the law of aliens which unquestionably will be of great service to students and practitioners of international law.

In addition to an exposition of the present practice of adjusting international claims, Dr. Borchard has discussed the defects of the existing system and has indicated a possible line of progress. "The fact that the prosecution of pecuniary claims depends so largely upon political considerations, and the fact that the accumulation of unsatisfied claims always embodies the germ of international misunderstanding and controversy, present unassailable grounds for compelling the just, speedy and peaceful solution of the rights of the parties." "The existing conditions give reason to express the hope that international pecuniary claims arising out of injuries to citizens may gradually be removed from the arena of international controversy, with its dangers to the amicable relations of states, and be submitted to an international forum for judicial determination."

Hamilton Vreeland, Jr.

A SKETCH OF ENGLISH LEGAL HISTORY. By FREDERIC W. MAITLAND and FRANCIS C. MONTAGUE. Edited by JAMES E. COLBY. New York: G. P. Putnam's Sons. 1915. pp. 225.

This volume contains a series of eight articles on English legal history which were contributed as the editor points out in the "Editor's Note" to "Social England" by the late Professor Frederic W. Maitland and Professor Francis C. Montague. In the narrow compass of less than two hundred pages there is contained a complete history of the growth and development of English law from 600 A. D. to the present time. Obviously it would be impossible for the writers to give a detailed development of common law and equity in such a limited space, but as an introduction to a more profound and searching study of English legal development the book is admirable.

The articles give a brief but comprehensive survey of the whole subject. At times, perhaps, the authors, in their attempt to simplify their articles by not treating the more intricate and difficult points in legal history, have neglected to explain, as fully as they might, some essential phases in the gradual expansion of our law.

The first article deals with the history of English law from the year 600 to the Norman Conquest, and is an admirable short treatment of this dimly lighted period of legal history. The next article takes the story through the legal reforms of Henry III. This is the longest article and the best of the five contributions by Professor Maitland. The third chapter consists chiefly of extracts from Pollock and Maitland's "History of the English Law" and Pollock's "Expansion of the Common Law," and brings the history down to Edward I. Article four gives the legal reforms of Edward I and the systems of writs, and the last of these five articles by Professor Maitland deals with the conflict between common law and equity. The last three articles by Professor Montague cover the three hundred years from 1600 to 1900 in less than fifty-seven pages. By this outline it can readily be seen that the book gives nothing more than a résumé of the subject.